

**REMARKS/ARGUMENTS**

After the forgoing Amendment, claims 1-7, 9-12, 14-36, and 38-59 are currently pending in this application. Claim 51 has been amended to correct a typographical error. Applicant submits that no new matter has been introduced into the application by this amendment. The Examiner is thanked for indicating that claims 1-7, 9-12, 14-37, and 39-41 contain allowable subject matter.

**Claim Rejections – 35 USC §102(e)**

Claims 42-59 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,498,785 to Derryberry et al. (hereinafter "Derryberry").

With respect to claims 42 and 51, the Examiner asserts that Derryberry discloses a subscriber unit comprising a wireless transceiver configured to provide wireless communications of digital signals over a digital communications path in a wireless CDMA system. The Applicant respectfully disagrees.

In claim 42, a bandwidth manager is configured to receive over the digital communication path a power control bit from a remote wireless transceiver, and compute a power level corresponding to the power control bit for a gated idle mode signal to be transmitted by the wireless transceiver.

Then, a wireless transceiver is configured to transmit the gated idle mode signal during an idle mode connection when the wireless transceiver is powered on but not actively sending data so that power control is maintained at the computed power level. An advantage of the claimed invention is that reverse link power control is performed on subscriber units operating in an idle mode.

In contrast, Derryberry discloses a method for transmitting power control signaling on a common channel that is shared by multiple mobile stations from a base station to a mobile station (see Derryberry, column 4, lines 26-29). In Derryberry, prior to the transmission of data or control information by a mobile station over a reverse common control channel (R-CCCH), a base station performs a parameter measurement on a reverse measurement channel associated with the R-CCCH (see Derryberry, column 4, lines 33-38). Then, the base station transmits a power control message to the mobile station that includes a power control command indicating a power control increment or, alternatively, a transmission power level of the mobile station on the R-CCCH according to the comparison of the power value and the predetermined threshold power value (see Derryberry, column 4, lines 56-62). After receiving the power control message, the mobile station transmits the data or control information using an initial transmission power according to the power control command (see Derryberry, column 4, lines 64-67).

Derryberry fails to teach or disclose performing power control for a mobile station operating in an idle mode. In Derryberry, a mobile station waits in an idle mode until a call is initiated from either the mobile station or the base station before a dedicated reverse traffic channel and a dedicated forward traffic channel assigned for the call (see Derryberry, column 2, lines 25-29). However, unlike the claimed invention, the reverse link power control disclosed in Derryberry first requires initiation of a call and is not performed for idle subscriber units as is claimed in claim 42. Specifically, Derryberry fails to teach or disclose "a bandwidth manager ... configured to receive over the digital communications path a power control bit from a remote wireless transceiver, and to compute a power level corresponding to the power control bit for a gated idle mode signal to be transmitted by the wireless transceiver" as recited in claim 42.

Further, Derryberry fails to teach or disclose performing power control for idle mode signals transmitted from a subscriber unit over a reverse channel. In Derryberry, a mobile station uses the power control message to transmit data or control information after a call is initiated. In contrast to the claimed invention, Derryberry fails to disclose performing power control over idle mode signals sent from a mobile station before a call is initiated and when the subscriber unit is powered on but not actively sending data. Specifically, Derryberry fails to disclose a "wireless transceiver configured to transmit the gated idle mode signal to the

**Applicant:** James A. Proctor Jr.  
**Application No.:** 09/997,733

remote wireless transceiver during an idle mode connection wherein the wireless transceiver is powered on but not actively sending data so that power control is maintained at the computed power level" as recited in claim 42. Accordingly, claim 42 is distinguishable over Derryberry.

Claims 43-50 are dependent on claim 42 and are clearly distinguishable from Derryberry.

With respect to claim 51, claim 51 is directed to a code division multiple access (CDMA) user device containing all the claim limitations included in claim 42. For the reasons presented above, it is respectfully submitted that claim 51 and dependent claims 52-59 are clearly distinguishable from Derryberry.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing remarks, the Applicant respectfully submits that the present application, including claims 1-7, 9-12, 14-36, and 38-59, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

James A. Proctor Jr.

By Joseph P. Gushue  
Joseph P. Gushue  
Registration No. 56,982

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499

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